

# CRS Report for Congress

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## **FY2005 Appropriations for First Responder Preparedness: Issues and Analysis**

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### **Summary**

Conference report H.Rept. 108-774, accompanying H.R. 4567, appropriates roughly \$3.6 billion to first responder grant programs. This is \$229 million more than requested by the Administration, \$145 million more than proposed by the Senate in S. 2537; however, it is \$70 million less than proposed by the House in H.R. 4567.

The only new program funded is \$25 million appropriated for securing non-governmental organizations (as defined by sec. 501(c)(3) of the Internal Revenue Code of 1986) from terrorist attacks. Additionally, the conference report states that the State Homeland Security Grant Program and the Law Enforcement Terrorism Prevention Program funding would be allocated according to the same formula used for FY2004 appropriations for these programs. Funding for Citizen Corps programs, however, is not mentioned in the conference report.

H.R. 5024, “9/11 Commission Recommendations Implementation Act of 2004,” H.R. 5040, “9/11 Commission Report Implementation Act of 2004,” S. 2774, “9/11 Commission Report Implementation Act of 2004,” S.Amdt. 3705 (introduced by Senator Collins and agreed to on the floor of the Senate on October 4, 2004) to S. 2845, “National Intelligence Reform Act of 2004,” and H.R. 10, “9/11 Recommendations Implementation Act” (passed by the House on October 6, 2004), propose to change the current formula used in distributing first responder grant funding to states and localities. This report will be updated as circumstances warrant.

This report provides an overview of the conference report H.Rept. 108-774, accompanying H.R. 4567, the Administration’s FY2005 budget request H.R. 4567, and S. 2537 for state and local terrorism preparedness.<sup>1</sup> Preparedness may be defined as enhancing a state or local government’s capability to respond effectively to a terrorist

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<sup>1</sup> H.R. 4567 and S. 2537 are both entitled “Department of Homeland Security Appropriations Act of 2005.”

attack, particularly one involving a weapon of mass destruction (WMD). The programs<sup>2</sup> identified assist traditional first responders, including firefighters, emergency medical personnel, law enforcement officers, and other entities that may serve as first responders. There is no consensus on which federal grant programs should be included in a definition of state and local *terrorism preparedness programs*. This report tracks FY2004 appropriations, the Administration's FY2005 budget request, H.R. 4567, S. 2537, and the conference report (H.Rept. 108-774) accompanying H.R. 4567 for selected programs whose goals are related to homeland security, and whose funds may be used for terrorism preparedness activities. Programs for first responders tracked in this report include the following, all administered by the Office for Domestic Preparedness (ODP):<sup>3</sup>

- State Homeland Security Grant Program (SHSGP);
- Urban Area Security Initiative (UASI);<sup>4</sup>
- Law Enforcement Terrorism Prevention Grants (LETPP);
- Assistance to Firefighters (FIRE);
- Emergency Management Performance Grant Program (EMPG);<sup>5</sup>
- Citizen Corps Grant Programs (CCP); and
- Port Security Grants (PSA).<sup>6</sup>

These programs are not the only assistance programs available to state and local governments; by appropriating roughly \$3.6 billion, however, Congress has signaled the importance of these programs as sources of grant funding for terrorism preparedness activities.

**Issues and Analysis.** Four issues are discussed in this report:

- ODP consolidation with the Office for State and Local Government Coordination (SLGCP); and
- Proposed grant formula changes.

*Office for Domestic Preparedness Consolidation.* On January 26, 2004, DHS Secretary Tom Ridge informed Congress of his intention to consolidate ODP, currently within the Border and Transportation Security Directorate, with the Office of State and Local Government Coordination (SLGC). SLGC is within the Office of the DHS Secretary, and Congress gave the Secretary consolidation authority in the Homeland Security Act of 2002.<sup>7</sup> This new consolidated office would be named the Office of State

<sup>2</sup> This report uses the term “program” to refer to selected federal entities, accounts, and grants.

<sup>3</sup> On Mar. 26, 2004, DHS Secretary Ridge consolidated ODP with the Office for State and Local Government Coordination, and renamed it the Office for State and Local Government Coordination and Preparedness (SLGCP).

<sup>4</sup> UASI programs include rail, port, intercity bus, and trucking security grants.

<sup>5</sup> On Mar. 26, 2004, DHS Secretary Ridge transferred EMPG from FEMA to ODP/SLGCP.

<sup>6</sup> On Mar. 26, 2004, DHS Secretary Ridge transferred PSA from the Transportation Security Administration (TSA) to ODP/SLGCP.

<sup>7</sup> P.L. 107-296, sec. 872.

and Local Government Coordination and Preparedness (SLGCP), and it would report directly to the DHS Secretary.

The basis for this consolidation is the stated need for the establishment of a “one-stop-shop,” within DHS, for state and local governments. This one-stop-shop would integrate numerous federal preparedness initiatives into a single, streamlined comprehensive program.<sup>8</sup> H.R. 4567 proposes to support the DHS Secretary’s decision to consolidate ODP with SLGC by listing ODP programs under the title of “Office for State and Local Government Coordination and Preparedness”.<sup>9</sup> S. 2537 also supports this transfer.<sup>10</sup>

**Table 1. Proposed Consolidated Terrorism Preparedness Programs Within the Office of State and Local Government Coordination and Preparedness**

<b>Program</b>	<b>Present Administering Agency</b>
Metropolitan Medical Response System	Emergency Preparedness and Response Directorate (EPR)
Assistance to Firefighters	ODP
Emergency Management Performance Grants	FEMA
Citizen Corps	ODP
Interoperable Communications	FEMA
Port Security Grants	Transportation Security Administration (TSA)
Intercity Bus Security Grants	TSA
Operation Safe Commerce	TSA
Trucking Industry Security Grant Program	TSA
State Homeland Security Grant Program	ODP
Law Enforcement Terrorism Prevention Grants	ODP
National Exercise Program	ODP
Urban Area Security initiative	ODP

**Source:** DHS Secretary Tom Ridge, letter to Senator Susan Collins, Chairman of the Senate Committee on Governmental Affairs, Jan. 26, 2004.

This report only tracks the FY2004 appropriations and FY2005 appropriations for SLGCP first responder programs.

<sup>8</sup> Tom Ridge, U.S. Department of Homeland Security, letter to Senator Susan Collins, Chairman of the Senate Committee on Governmental Affairs, Jan. 26, 2004.

<sup>9</sup> H.R. 4567, Title III.

<sup>10</sup> S. 2537, Title III.

**Proposed Formula Changes.** DHS has indicated that it will propose changes to the formula for ODP's State Homeland Security Grant, Law Enforcement Terrorism Prevention Grant, and Citizen Corps programs. Presently these programs provide each state a minimum of 0.75% of total appropriations for state and local domestic preparedness in accordance with sec. 1014 of the USA PATRIOT Act.<sup>11</sup> The Administration proposes to change the formula to one which allocates funding based on population concentrations, critical infrastructures, and other significant terrorism risk factors, as determined by the DHS Secretary.<sup>12</sup>

Arguably, this could reduce the amount some states would receive from these grant programs, due to their lack of population concentrations, critical infrastructures, and other determined terrorism risk factors. Additionally, a large portion of states rely on these programs to fund not only anti-terrorism efforts, but to also fund natural hazard preparedness efforts. DHS officials, however, have stated that a cut in funding to states and localities would not hinder their anti-terrorism efforts due to the amount of federal aid received since September 11, 2001. DHS Secretary Ridge said that this new reformulation is intended to send anti-terrorism grants to large cities and other population areas that were the likeliest targets for terrorists.<sup>13</sup>

Conference report H.Rept. 108-774, accompanying H.R. 4567, does not propose to change the formula used to distribute funding from SHSGP, LETPP, EMPG and CCP. It states that Sec. 1014 of the USA PATRIOT Act (P.L. 107-56), which guarantees a state minimum of 0.75% of total appropriations for state and local domestic preparedness, will be used to distribute funds for these grant programs in FY2005.<sup>14</sup> However, H.R. 5024, "9/11 Commission Recommendations Implementation Act of 2004," H.R. 5040, "9/11 Commission Report Implementation Act of 2004," and S. 2774, "9/11 Commission Report Implementation Act of 2004" propose to change the funding formulas for the majority of first responder grant programs to be based on threat and risk assessments.<sup>15</sup> Additionally, S.Amdt. 3705 (introduced by Senator Collins and agreed to on the floor of the Senate on October 4, 2004) to S. 2845, "National Intelligence Reform Act of 2004," and H.R. 10, "9/11 Recommendations Implementation Act" (passed by the House on October 6, 2004), propose to change the current formula used in distributing first responder grant funding to states and localities.<sup>16</sup>

**What Other Programs Might Be Considered?** The programs discussed above do not include *general assistance* grant programs that are authorized for a broad range of public safety activities. These programs include the Local Law Enforcement Block Grant (LLEBG), the Byrne Memorial Formula Grant, and Community-Oriented Policing

<sup>11</sup> P.L. 107-56, sec. 1014.

<sup>12</sup> U.S. Office of Management and Budget, *Fiscal Year 2005 Budget of the United States Government*, (Washington: GPO, 2004), p. 470.

<sup>13</sup> Philip Shenon, "The President's Budget Proposal: Domestic Security," *The New York Times*, Feb. 3, 2004, p. 15A.

<sup>14</sup> H.R. 4567, Title III; S. 2537, Title III.

<sup>15</sup> H.R. 5024, sec. 601, H.R. 5040, sec. 801, and S. 2774, sec. 801.

<sup>16</sup> H.R. 10, Title V, Subtitle A.

Services (COPS). States and localities that receive funds through these programs may use a portion of the funds for homeland security activities. While some observers believe these programs should not be considered terrorism preparedness programs, due to their wide range of eligible activities, other observers believe they are a critical element of the federal government's overall effort to better prepare states and localities for terrorism.

**What Is Not Tracked.** This report does not track appropriations for critical infrastructure protection programs,<sup>17</sup> National Guard funding, or emergency management appropriations for the District of Columbia.

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<sup>17</sup> For more information on these programs, see CRS Report RL31465, *Protecting Critical Infrastructure from Terrorist Attack: A Catalog of Selected Federal Assistance Programs*, coordinated by John Moteff.

**Table 2. FY2004 Appropriations, FY2005 Budget Request, and  
H.R. 4567: Terrorism Preparedness Assistance Programs**

(in millions of dollars)

SLGCP Program	FY2004 Appropriations	FY2005 Request	House Approved <sup>A</sup>	Senate Approved <sup>B</sup>	Conf. Rept. H. Rept. 108-774
<i>State Homeland Security Grants</i>	\$1,700	\$700	\$1,250	\$940	\$1,100
<i>Urban Area Security Initiative</i>	\$725	\$1,446	\$1,000	\$1,200	\$1,200
<i>Rail Security Grants</i>	[\$50]	—	[\$100]	[\$150]	[\$150]
<i>Trucking Industry Security Grants<sup>C</sup></i>	—	—	—	[\$15]	[\$5]
<i>Intercity Bus Security Grants<sup>D</sup></i>	—	—	—	[\$10]	[\$10]
<i>Non-governmental Organizations<sup>E</sup></i>	—	—	—	—	[\$25]
<i>Law Enforcement Terrorism Prevention Grants</i>	\$500	\$500	\$500	\$400	\$400
<i>Assistance to Firefighters<sup>F</sup></i>	\$750	\$500	\$600	\$700	\$715
<i>Citizen Corps<sup>G</sup></i>	\$40	\$50	\$20	\$30	—
<i>Port Security</i>	—	—	\$125	[\$150] <sup>H</sup>	[\$150] <sup>I</sup>
<i>Emergency Management Performance Grants<sup>J</sup></i>	\$180	\$170	\$170	\$180	\$180
<b>“First Responder” Assistance Total</b>	<b>\$3,895</b>	<b>\$3,366</b>	<b>\$3,665</b>	<b>\$3,450</b>	<b>\$3,595</b>

**Source:** CRS calculations based on amounts from P.L. 108-90, U.S. Office of Management and Budget, *Fiscal Year 2005 Budget of the United States Government* (Washington: GPO, Feb. 2004), H.R. 4567, H.Rept. 108-451, S. 2537, S.Rept. 108-280.

<sup>A</sup> Amounts in this column come from H.Rept. 108-451 accompanying H.R. 4567, passed by the House of Representatives on June 18, 2004.

<sup>B</sup> Amounts in this column come from S.Rept. 108-280 accompanying S. 2537.

<sup>C</sup> DHS Secretary Ridge transferred this program from TSA to SLGCP on Mar. 26, 2004.

<sup>D</sup> DHS Secretary Ridge transferred this program from TSA to SLGCP on Mar. 26, 2004.

<sup>E</sup> Non-governmental organizations eligible for this funding are defined in section 501(c)(3) of the Internal Revenue Code of 1986.

<sup>F</sup> Prior to FY2004, this program was administered by FEMA.

<sup>G</sup> Prior to FY2004, this program was administered by FEMA and conference report H.Rept. 108-774 does not specify funding for this program.

<sup>H</sup> S.Rept. 108-280 proposes for this amount to come from UASI program funding.

<sup>I</sup> Conference report H.Rept. 108-774 appropriates this amount from the UASI program funding.

<sup>J</sup> The Administration’s FY2005 budget request and H.R. 4567 would transfer this program to SLGCP.